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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,191	06/25/2004	Masahiro Sano	Q82273	9237
23373	7590	11/13/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,191

Applicant(s)

SANO, MASAHIRO

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-15-06</u> . | 6) <input type="checkbox"/> Other: _____  |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 7/(3-6) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7/(3-6), no antecedent has been established for "the bottom of the joined portion of any of the protruding portion and decorative portion and of the protruding portions," it being noted that claim 3 only refers to "bottoms between the protruding portions adjacent to each other."

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by JP 6-6967-Y2 (cited by applicant).

JP '967 is applied for the same reasons as set forth in the last office action, it being noted that this rejection of claims 1-2 is now only applied under 102(b) (the clarification of the claims rendering the alternative rejection 102/103 unnecessary). As to the new claim language defining that the protruding portions include at least one of a character and a mark, it is noted that that the protruding portions (i.e. "2a" in fig. 5 or protruding part between grooves "4") form characters and further, each protruding portion within a character can be said to form a "mark", nothing in the present claims defining over such an interpretation. As such, the bottom of groove 4 forms a joined portion between protruding portions (as well as between a protruding portion and the surrounding decorative portion at the edges of the letters) consistent with the present claims.

4. Claims 7/1 and 7/2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 6-6967-Y2 (cited by applicant) as applied in the last office action.

5. Claims 3, 4, 7/3 and 7/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6-6967-Y2 (cited by applicant) as applied to claims 1, 2 and 7 above, and further in view of at least one of Clementz et al. (US 5,303,758) and Ratliff, Jr. (US 2002/0174928) as applied in the last office action.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by D204585 to Vizina.

Vizina is applied for the same reasons as set forth in the last office action, it being noted that this rejection is now only applied under 102(b) (the clarification of the claims rendering the alternative rejection 102/103 unnecessary). As to the new claim language defining that the protruding portions include at least one of a character and a mark, it is noted that the protruding portions (esp. fig. 5) form what can be termed characters (e.g. the letter "L") and further can likewise be said to form a "mark", nothing in the present claims defining over such an interpretation. As such, the raised flat portions (esp. fig. 5) form a joined portion between protruding portions consistent with the present claims.

7. Claims 4 and 7/(1-4) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over D204585 to Vizina as applied in the last office action.

8. Claims 5, 6 and 7/(5-6) are rejected under 35 U.S.C. 103(a) as being unpatentable over [JP 6-6967-Y2 (cited by applicant) alone or further in view of at least one of Clementz et al. (US 5,303,758) and Ratliff, Jr. (US 2002/0174928)] or D204585 to Vizina as applied above, and further in view of JP 2000-255224 (cited by applicant) and optionally Ratliff, Jr. (US 5,807,446) as applied in the last office action.

9. Applicant's arguments filed 8-15-2006 have been fully considered but they are not persuasive as regards the prior art rejections. The 35 USC 112 rejections from the last office action have however been withdrawn in view of the amendments to the claims and drawings.

As to the prior art rejections, with respect to JP '967, it is argued that the grooves 4 are formed on the characters/are part of the characters and thus do not have joined portions as claimed. This argument has been carefully considered but is unpersuasive. As noted above, the protruding portions (i.e. "2a" in fig. 5 or protruding part between grooves "4") form characters and further, each protruding portion within a character can be said to form a "mark", nothing in the present claims defining over such interpretations. As such, the bottom of groove 4 forms a joined portion *between protruding portions* (as well as between a protruding portion and the surrounding decorative portion at the edges of the letters) consistent with the present claims.

As to Vizina, it is similarly argued that the flat portions are formed on the characters/are part of the characters and thus are not formed between characters and do not have joined portions as claimed. This argument has been carefully considered but is likewise unpersuasive. As noted above, the protruding portions (esp. fig. 5) form

Art Unit: 1733

what can be termed characters (e.g. the letter "L") and further can likewise be said to form a "mark", nothing in the present claims defining over such an interpretation. As such, the raised flat portions (esp. fig. 5) form a joined portion *between protruding portions* consistent with the present claims.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
November 11, 2006